

## LEGISLATIVE CHANGES IMPACTING COLLECTIVE BARGAINING (PARTIAL LIST)\*

Updated 11/2023

PA#	DESCRIPTION OF CHANGE or ADDITION	EFFECTIVE	WEBLINK	MERC DECISION*
<b>8 (2023)</b>	Repeals FTW in Labor Mediation Act - allows for payment of service fee to union as a condition of employment	March 2024	<a href="http://www.legislature.mi.gov/documents/2023-2024/publicact/htm/2023-PA-0008.htm">http://www.legislature.mi.gov/documents/2023-2024/publicact/htm/2023-PA-0008.htm</a>	
<b>9 (2023)</b>	Repeals FTW in PERA - allows for payment of service fee to union as a condition of employment. (Application is conditioned on reversal of <i>Janus vs AFSCME et. al.</i> )	March 2024	<a href="http://www.legislature.mi.gov/documents/2023-2024/publicact/htm/2023-PA-0009.htm">http://www.legislature.mi.gov/documents/2023-2024/publicact/htm/2023-PA-0009.htm</a>	
<b>9 (2011)</b>	Requires collective bargaining agreements to contain a provision regarding the Emergency Manager law per PA4.	3-16-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-215">http://legislature.mi.gov/doc.aspx?mcl-423-215</a>	
<b>45 (2012)</b>	Excludes "Graduate Assistants or equivalent" from "public employee" definition for collective bargaining purposes.	3-13-12	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-201">http://legislature.mi.gov/doc.aspx?mcl-423-201</a>	<b>*University of Michigan 6-19-14</b>
<b>53 (2012)</b>	Prohibits school districts from collecting union dues or fees via payroll deduction (check off); Establishes MERC as conduit to receive and post annual audits from unions on MERC website beginning March 1, 2013.	3-20-12	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-210">http://legislature.mi.gov/doc.aspx?mcl-423-210</a>	
<b>54 (2011)</b>	At contract expiration until a newly ratified CBA: (a) wages & step increases are frozen, (b) Insurance increases passed to employees, (c) Eliminates retroactive increases.	6-8-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-215b">http://legislature.mi.gov/doc.aspx?mcl-423-215b</a>	<b>*Kent County 12-18-17 *Traverse Bay ISD 12-18-14 *Schoolcraft County 11-24-14 *Michigan State University 9-17-14 *Shelby Township 8-18-14 *Waverly Schools 12-14-12 *Bedford Schools 12-14-12</b>
<b>63 (2022)</b>	Requires public meetings of state licensing boards, state commission panels, and state rule-making boards to record meetings to allow for the capture of sound, such as an audio-only recording, a video recording with sound and picture, or a broadcast that is capable of being recorded.	3-28-23	<a href="http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2022-PA-0063.pdf">http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2022-PA-0063.pdf</a>	

*\*Decisions referenced above are posted on MERC's website under "Decisions" using the MERC Decisions subcategory and the corresponding issue date. \*Additionally, some cases may currently be on appeal with the Michigan Court of Appeals, and that is not reflected by this chart.*

## LEGISLATIVE CHANGES IMPACTING COLLECTIVE BARGAINING (PARTIAL LIST)\*

Updated 11/2023

<b>76 (2012)</b>	Excludes from the “public employee” definition for collective bargaining purposes those persons employed by private entities that receive a government subsidy or stipend.	4-10-12	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-201">http://legislature.mi.gov/doc.aspx?mcl-423-201</a>	
<b>100 (2011)</b>	Removes “Reasonable and Just Cause” discharge standard for public school employees subject to the Teacher Tenure Act.	7-19-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-38-101">http://legislature.mi.gov/doc.aspx?mcl-38-101</a>	
<b>101 (2011)</b>	Establishes new standards for achieving and maintaining teacher tenure; revises teacher tenure hearing procedures	7-19-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-38-91">http://legislature.mi.gov/doc.aspx?mcl-38-91</a>	
<b>102 (2011)</b>	Emphasizes student achievement in teacher performance evaluations; Expands prohibited subjects of bargaining.	7-19-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-380-1249">http://legislature.mi.gov/doc.aspx?mcl-380-1249</a>	<b>*Pontiac Schools 3-17-14</b>
<b>103 (2011)</b>	Expands prohibited subjects of bargaining for public school teachers to include: performance evaluation standards; merit pay standards; decisions on layoff, recall, hiring, position eliminations, etc.	7-19-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-215">http://legislature.mi.gov/doc.aspx?mcl-423-215</a>	<b>*Kalamazoo Schs 10-11-22</b> <b>*Garden City Schs&amp;EA 10-22-20</b> <b>*Vassar Schools 3-24-17</b> <b>*Ionia Schools 12-27-16</b> <b>*Howell Schools 10-20-16</b> <b>*Ionia ISD 8-15-16</b> <b>*Shiawassee 7-25-16</b> <b>*Pontiac Education Assn. 12-18-14</b> <b>*Ionia Schools 12-18-14</b> <b>*Pontiac Schools 10-16-14</b> <b>*Calhoun Intermediate Ed. Assn. 9-15-14</b> <b>*Pontiac Schools 5-21-14</b> <b>*Pontiac Schools 5-20-14</b> <b>*Ionia Schools 4-22-14</b> <b>*Pontiac Schools 3-17-14</b>
<b>109 (2015)</b>	Require school districts with a general fund balance of less than 5% of total general fund revenues to transmit its budgetary assumptions to the Center for Educational	7-7-15	<a href="http://legislature.mi.gov/doc.aspx?mcl-380-1219">http://legislature.mi.gov/doc.aspx?mcl-380-1219</a>	

*\*Decisions referenced above are posted on MERC’s website under “Decisions” using the MERC Decisions subcategory and the corresponding issue date. \*Additionally, some cases may currently be on appeal with the Michigan Court of Appeals, and that is not reflected by this chart.*

## LEGISLATIVE CHANGES IMPACTING COLLECTIVE BARGAINING (PARTIAL LIST)\*

Updated 11/2023

	Performance and Information.			
<b>110 (2015)</b>	Provides that the state financial authority for a school district with a deficit elimination plan (DEP) to be the State Treasurer rather than the State Superintendent; Requires a district's state financial authority to determine existence of probable financial stress if the district either: failed to comply with the DEP or has a DEP that provides for the elimination of its deficit over a period greater than 5 years.	7-7-15	<a href="http://legislature.mi.gov/doc.aspx?2015-HB-4326">http://legislature.mi.gov/doc.aspx?2015-HB-4326</a>	
<b>111 (2015)</b>	Shifts and expands the requirements related to DEP's from the School Aid Act to the Revised School Code.	7-7-15	<a href="http://legislature.mi.gov/doc.aspx?mcl-380-1220">http://legislature.mi.gov/doc.aspx?mcl-380-1220</a>	
<b>112 (2015)</b>	Gives authority to Department of Treasury to withhold school aid payments from a district to incentivize it to eliminate its deficit until it submits, and Treasury approves, its DEP.	7-7-15	<a href="http://legislature.mi.gov/doc.aspx?mcl-388-1702">http://legislature.mi.gov/doc.aspx?mcl-388-1702</a>	
<b>113 (2023)</b>	Repeals §15b of PERA and eliminates language prohibiting public employers from paying agreed upon increases in wages or benefits after expiration of current collective bargaining agreement.	March 2024		
<b>114 (2023)</b>	Removes the prohibition against public school employers using school resources to collect union dues or service fees.	March 2024		
<b>115 (2023)</b>	Removes certain prohibited subjects of bargaining that had been added as Sections 15 (3)(j) -(p) & (11) by 2014 PA 414.	March 2024		
<b>116 (2011)</b>	Shifts cost of 312 arbitration solely to the Parties; Last offers submitted up front in process; Sets strict timelines; Requires MERC training for 312 panel arbitrators.	7-20-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-235">http://legislature.mi.gov/doc.aspx?mcl-423-235</a> <a href="http://legislature.mi.gov/doc.aspx?mcl-423-236">http://legislature.mi.gov/doc.aspx?mcl-423-236</a> <a href="http://legislature.mi.gov/doc.aspx?mcl-423-238">http://legislature.mi.gov/doc.aspx?mcl-423-238</a>	

*\*Decisions referenced above are posted on MERC's website under "Decisions" using the MERC Decisions subcategory and the corresponding issue date. \*Additionally, some cases may currently be on appeal with the Michigan Court of Appeals, and that is not reflected by this chart.*

## LEGISLATIVE CHANGES IMPACTING COLLECTIVE BARGAINING (PARTIAL LIST)\*

Updated 11/2023

<b>143 (2023)</b>	Public school employers would be permitted to bargain with employees' union over whether they will contract with a third party for noninstructional support services. Removes the prior prohibition over bargaining on this issue.	March 2024	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-215-amended">http://legislature.mi.gov/doc.aspx?mcl-423-215-amended</a>	
<b>144 (2023)</b>	Amends Section 164h (1) (d) of the State School Aid Act of 1979 to replace the reference to Section 15(3)(o) of PERA with a reference to section 15 (3) (n).	March 2024	<a href="http://legislature.mi.gov/doc.aspx?mcl-388-1764h-added">http://legislature.mi.gov/doc.aspx?mcl-388-1764h-added</a>	
<b>152 (2011)</b>	Caps Employer's health care contributions to either: (a) Hard Cap plan (Single 5.5K, 2person 11K, Family 15K); or (b) 80-20 plan health. Employers must comply or forfeit budget offsets.	9-27-11	<a href="http://legislature.mi.349gov/doc.aspx?mcl-act-152-of-2011">http://legislature.mi.349gov/doc.aspx?mcl-act-152-of-2011</a>	<b>*Kent County 12-18-17</b> <b>*Clarkston Schools 9-18-17</b> <b>*Grand Traverse Co. 3-29-17 (20 Day Order)</b> <b>*Traverse Bay ISD 10-20-15</b> <b>*Capac Schools 7-28-15</b> <b>*Garden City Schools 2-11-15</b> <b>*City of Southfield 11-18-14</b> <b>*West Iron Schools 11-21-14</b> <b>*Watersmeet Schools 10-8-14</b> <b>*Shelby Township 8-18-14</b> <b>*Decatur Schools 1-21-14</b>
<b>171 (2023)</b>	Amends Act 312 to extend its coverage to corrections officers who are employed by a county sheriff.	1-22-24	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-232-amended">http://legislature.mi.gov/doc.aspx?mcl-423-232-amended</a>	
<b>172 (2023)</b>	Amends Act 312 to make some of the language more gender neutral by changing "chairman" and "he" to "chair" or "the chair." Tie-barred with HB 4438 when passed by the House.	10-24-23	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-235">http://legislature.mi.gov/doc.aspx?mcl-423-235</a>	
<b>194 (2016)</b>	Revise the process for handling teacher strikes and lockouts in order to provide a more effective and efficient means for addressing these violations of PERA.	9-19-16	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-202a">http://legislature.mi.gov/doc.aspx?mcl-423-202a</a>	

*\*Decisions referenced above are posted on MERC's website under "Decisions" using the MERC Decisions subcategory and the corresponding issue date. \*Additionally, some cases may currently be on appeal with the Michigan Court of Appeals, and that is not reflected by this chart.*

## LEGISLATIVE CHANGES IMPACTING COLLECTIVE BARGAINING (PARTIAL LIST)\*

Updated 11/2023

<b>260 (2011)</b>	Expands prohibited subjects of bargaining for public school teachers to include: classroom observation, teacher placement, evaluation, discipline and discharge.	12-14-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-215">http://legislature.mi.gov/doc.aspx?mcl-423-215</a>	<b>*Detroit Federation of Teachers 11-14-14</b>
<b>261 (2011)</b>	Authorizes intergovernmental transfers of municipal emergency service employees.	12-14-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-124-610">http://legislature.mi.gov/doc.aspx?mcl-124-610</a>	
<b>262 (2011)</b>	Permits consolidations at Employer's discretion; Obligates parties to negotiate a new CBA(s).	12-14-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-124-534">http://legislature.mi.gov/doc.aspx?mcl-124-534</a>	
<b>263 (2011)</b>	Authorizes intergovernmental transfers of employees and responsibilities.	12-14-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-124-505">http://legislature.mi.gov/doc.aspx?mcl-124-505</a>	
<b>277 (2011)</b>	Expands number of charter schools in state (unlimited).	3-28-12	<a href="http://legislature.mi.gov/doc.aspx?2011-SB-0618">http://legislature.mi.gov/doc.aspx?2011-SB-0618</a>	
<b>297 (2011)</b>	Prohibits public employers from providing domestic partner benefits.	12-22-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-act-297-of-2011">http://legislature.mi.gov/doc.aspx?mcl-act-297-of-2011</a>	
<b>322 (2014)</b>	Excludes Act 312 eligible employees from the provisions of PA 54.	10-15-14	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-215b">http://legislature.mi.gov/doc.aspx?mcl-423-215b</a>	
<b>323 (2015)</b>	Parties are prohibited from bargaining over the subject of a prohibition on a firefighter volunteering for or obtaining paid on-call employment with another fire department.	10-15-14	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-215a">http://legislature.mi.gov/doc.aspx?mcl-423-215a</a>	<b>*Delhi Charter Township 10-31-13</b>
<b>348 (2012)</b>	Establishes MI as a 'right to work' state (private sector), which prohibits private sector employees in unionized workplaces from being required to join the union, or that nonunion employees pay agency fees, assessments, or	3-28-13	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-14">http://legislature.mi.gov/doc.aspx?mcl-423-14</a>	

*\*Decisions referenced above are posted on MERC's website under "Decisions" using the MERC Decisions subcategory and the corresponding issue date. \*Additionally, some cases may currently be on appeal with the Michigan Court of Appeals, and that is not reflected by this chart.*

## LEGISLATIVE CHANGES IMPACTING COLLECTIVE BARGAINING (PARTIAL LIST)\*

Updated 11/2023

	other charges or expenses, or provide anything of value to a labor organization or bargaining representative as a condition of employment.			
<b>349 (2012)</b>	Establishes MI as a 'right to work' state (public sector), which prohibits public sector employees from being required to join the union, or that non-union employees pay agency fees, assessments, or other charges or expenses, or provide anything of value to a labor organization or bargaining representative as a condition of employment.	3-28-13	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-14">http://legislature.mi.gov/doc.aspx?mcl-423-14</a>	<p><b>Commission rulings may conflict with USSC Decision: Janus v. AFSCME Council 31, et al., 138 S.Ct., 2448 (2018)</b></p> <p><b>*TPOAM&amp;Renner 12-10-19</b></p> <p><b>*Lansing EA&amp;Shock 6-25-19</b></p> <p><b>*Dewitt&amp;MEA&amp;Stepanski 6-12-19</b></p> <p><b>*MEA &amp; Robinson 4-17-18</b></p> <p><b>*Ann Arbor EA &amp; Finnan &amp; Merante 4-13-18</b></p> <p><b>*Clarkston Schs 9-18-17</b></p> <p><b>*Grand Blanc Clerical Ass'n 2-11-16</b></p> <p><b>*Teamsters&amp;House 2-10-16</b></p> <p><b>*Standish-Sterling 1-15-16</b></p> <p><b>*Teamsters&amp;Cottrell 1-14-16</b></p> <p><b>*Teamsters&amp;Beutler 12-11-16</b></p> <p><b>*Saginaw Education Association 9-23-15</b></p> <p><b>*Taylor Schools 2-13-15</b></p> <p><b>*Delhi Charter Township 2-14-14</b></p>
<b>414 (2014)</b>	Excludes university athletes from "public employee" definition for collective bargaining purposes; Requires exclusive bargaining representative to file a declaration identifying the local bargaining units represented; Requires Unions to use an "Independent Examiner" to verify its expenditures attributed to collective bargaining, contract administration, and grievance adjustment, and to file the verification with MERC/BER.	12-30-14	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-215">http://legislature.mi.gov/doc.aspx?mcl-423-215</a>	

*\*Decisions referenced above are posted on MERC's website under "Decisions" using the MERC Decisions subcategory and the corresponding issue date. \*Additionally, some cases may currently be on appeal with the Michigan Court of Appeals, and that is not reflected by this chart.*

## LEGISLATIVE CHANGES IMPACTING COLLECTIVE BARGAINING (PARTIAL LIST)\*

Updated 11/2023

<b>436 (2012)</b>	Replaces Emergency Financial Manager (EFM) authority under PA 72. Permits the appointment of an Emergency Manager (EM) where a financial emergency exists; Duty to Bargain suspended for up to 5years; EM term limited to 16 months; EM can nullify existing CBAs.	3-28-13	<a href="http://legislature.mi.gov/doc.aspx?mcl-act-436-of-2012">http://legislature.mi.gov/doc.aspx?mcl-act-436-of-2012</a>	<b>*Wayne County 5-12-17</b> <b>*City of Ecorse 5-13-16</b> <b>*Wayne County 10-16-15</b> <b>*City of Detroit 6-14-13</b>
-----------------------	--	---------	---	--

*\*Decisions referenced above are posted on MERC's website under "Decisions" using the MERC Decisions subcategory and the corresponding issue date. \*Additionally, some cases may currently be on appeal with the Michigan Court of Appeals, and that is not reflected by this chart.*